

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Frank D. Palumbo,	)	C/A No. 4:11-mc-2031-RBH-SVH
	)	
Plaintiff,	)	
v.	)	
	)	REPORT AND RECOMMENDATION
Sanford I. Weil, et al.	)	
	)	
Defendants.	)	
_____	)	

This matter comes before the court on the motion for contempt filed in this miscellaneous case by *pro se* plaintiff Frank D. Palumbo. [Entry #1]. The motion was referred to the undersigned for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

Mr. Palumbo seeks an “order to show cause why non-party defendant Peter Palumbo should not be held in contempt for failing to comply with the subpoena for the production of documents United State[s] District Court issued from the District [of] Connecticut.” *Id.* at 1. The motion and its 17 attachments total 102 pages and include an “Exhibit B” that purports to be a subpoena issued for the Florence Division of the District of South Carolina. [Entry #1-5]. According to Plaintiff’s filings, he has a case pending in the United States District Court for the District of Connecticut, 3:98CV01411(JBA), to which the subpoena allegedly relates. It appears that Plaintiff had the subpoena served on Peter Palumbo in Myrtle Beach, South Carolina, by Deputy Andrew Cooper of the Horry County Sheriff’s Department. [Entry #1-6]. Plaintiff “certified” that he forwarded by email and first class mail

the subpoena to some 27 attorneys and/or law firms in Connecticut. [Entry #1-8 at 2].

Specifically, the subpoena is directed to Peter Palumbo, Personal Representative of the Estate of Norma Palumbo, and it seeks:

Copy of the second check in the amount of up to \$5,000,000.00 or more payable to Francis Daniel Palumbo, drawn on the account of the SunTrust Bank of Tampa Florida, deposited into an account of First Federal S&L of Charleston South Carolina, into the account of Fran D. Palumbo, First Federal Savings and Loan of Charleston, 2440 Mall Drive Apt 100, North Charleston, SC 29406. From Estate and Revocable Trust of Joseph F. Santoiana, Mar. 19, 1973.

[Entry #1-5 at 2].

The subpoena contains a signature over the line for “Signature of Clerk or Deputy Clerk” for the Clerk of Court. [Entry #1-5 at 2]. However, the signature is not that of the Clerk or Deputy Clerk for the District of South Carolina.<sup>1</sup> Therefore, the subpoena is invalid and the motion for contempt should be denied.

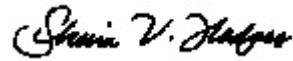
In the District of South Carolina, subpoenas may only be issued by duly-licensed attorneys or by the Clerk of Court. *Pro se* parties are not permitted to issue subpoenas. *Pro se* parties seeking a subpoena must follow the standard procedure, which requires a motion explaining who the party wants to subpoena and why, and to what pending federal case the subpoena relates. It is recommended that Plaintiff be warned that he may be held in contempt and/or sanctioned for any future attempts to present a document as a subpoena or an order of this court which was not issued by this court. Further, is recommended that

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<sup>1</sup> According to the Clerk’s Office staff, Plaintiff contacted the Clerk of Court’s office on several occasions about having the subpoena signed by a Deputy Clerk, but was refused.

Plaintiff be enjoined from serving or causing to be served any bogus documents purporting to be court orders; from issuing subpoenas, writs, processes, or judgments; and from failing to follow the standard procedure for having subpoenas issued and served in this district.

IT IS SO RECOMMENDED.



September 9, 2011  
Florence, South Carolina

Shiva V. Hodges  
United States Magistrate Judge

**The parties are directed to note the important information in the attached  
“Notice of Right to File Objections to Report and Recommendation.”**